

COMMONWEALTH OF KENTUCKY

**KENTUCKY DEPARTMENT FOR
LIBRARIES AND ARCHIVES**

TITLE VI

ASSURANCE OF COMPLIANCE

CIVIL RIGHTS

KRS 344.015

2008

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I. Overview of the Department

The Kentucky Department for Libraries and Archives (KDLA) is one of 10 state agencies in the country to combine library, archival and public records programs. Committed to fulfilling its mission of "Serving Kentucky's Need to Know," KDLA offers comprehensive services which assure citizens access to a broad range of information and educational resources.

KDLA's programs are structured to link the enduring resources of archival collections with contemporary information resources of government and libraries. From this comprehensive perspective, KDLA is helping preserve the Commonwealth's rich legacy as it contributes to building a stronger future for Kentucky.

II. Purpose And / Or Mission Statement

No person in Kentucky shall, on the grounds of race, color or national origin, be excluded from participation in, denied the benefits of, or subjected to discrimination under any program or activity receiving Federal financial assistance.

All grantees and subgrantees obtaining Federal assistance through KDLA certify that they comply with all Federal statutes relating to Title VI of the Civil Rights Act of 1964 prohibiting discrimination on the basis of race, color or national origin, including national origin discrimination affecting limited English proficient (LEP) persons.

III. Scope

Title VI of the Civil Rights Act of 1964, 42 USC 200d, et seq. and its implementing regulations provide that no person shall be subjected to discrimination on the basis of race, color or national origin under any program or activity that receives federal financial assistance.

Language for limited English proficient (LEP) individuals can be a barrier to accessing important benefits or services, understanding and exercising important rights, complying with applicable responsibilities, or understanding other information provided by federally funded programs and activities. KDLA and the Commonwealth of Kentucky provide that federally assisted programs and activities work in a way that is effective for all eligible beneficiaries, including those with limited English proficiency.

The 1994 General Assembly of the Commonwealth of Kentucky enacted Senate Bill Number 248 requiring state agencies to develop Title VI implementation plans by January 1, 1995. Presidential Executive Order 13166 implemented on August 11, 2000 required agencies and programs to ensure that federally-funded activities are accessible to all persons, who as a result of national origin, are not proficient or are limited in their ability to communicate in the English language.

Grantees and subgrantees are prohibited from discriminating on the basis of race, color or national origin by:

- denying a person any service, financial aid or benefit extended under a program;

- providing any service, aid or benefit to a person that is different in kind or manner from that provided to others under the program;
- subjecting a person to segregation or other discriminatory treatment in any manner related to the receipt or non-receipt of the service, aid or benefit;
- restricting a person in any way in enjoying services, facilities or any other advantage, privilege, property or benefit provided to others under the program;
- treating a person differently from others in determining whether he or she satisfies any admission, enrollment, quota, eligibility, membership or other requirement or condition that people must meet to receive any service, aid or benefit;
- denying or affording a person an opportunity to participate in a program (including the opportunity to participate as a grantee, subgrantee or contractor) in a way that is different from that afforded to others in the program;
- denying a person the opportunity to participate as a member of a planning or advisory body that is an integral part of the program.

IV. Responsible Official

The Kentucky Department for Libraries and Archives (KDLA) has designated Nicole Bryan, Grants and Contracts Administrator, to oversee the implementation, regulation, monitoring and enforcement of the KDLA Title IV plan. Nicole Bryan may be contacted at KDLA, PO Box 537, 300 Coffee Tree Rd, Frankfort KY 40602-0537; (502) 564-8300 ext. 304 or nicole.bryan@ky.gov.

V. Statement Of Assurances

All grantees and subgrantees of the Kentucky Department for Libraries and Archives are required to sign a non-discrimination clause prior to receiving any Federal loan, contract or grant. In signing the assurance, a grant or subgrant applicant certifies that it will:

Comply with all Federal statutes relating to non-discrimination. These include, but are not limited to, Title VI of the Civil Rights Act of 1964, which prohibits discrimination on the basis of race, color or national origin.

If the grantee or subgrantee agrees in writing to adopt the Title VI plan of Kentucky Department for Libraries and Archives, the grantee or subgrantee is considered in compliance. Each grantee or subgrantee is required to complete a Title VI Assurance of Compliance for Public Libraries/Title VI Compliance Status form as part of the grant contract. If the grantee's or subgrantee's plan differs from KDLA's plan, the grantee or subgrantee must submit their plan to KDLA prior to receipt of funds. All grantee and subgrantee Title VI plans are available for review.

VI. Effective Date

January 1, 1995 is the effective date of the Title VI implementation plan, per Senate Bill 248.

VII. Programs Or Activities Subject To Title VI

The Kentucky Department for Libraries and Archives (KDLA) currently receives Federal assistance from the Institute of Museum and Library Services (IMLS) in the form of a Library Services and Technology Act (LSTA) grant and from the National Historical Publications and Records Commission (NHPRC) / National Archives and Records Administration (NARA).

Library Services and Technology Act grants (over \$2 million annually) are distributed, via subgrants, to public and university libraries to support programs such as: archival services, collection access and management, library innovation and automation, talking books, union list of serials, and child, teen and adult programming. LSTA also funds 13 KDLA staff positions and supports information technology initiatives, electronic databases and continuing education for the KDLA and public library staff.

KDLA receives a small annual grant from NARA (\$10,000 for calendar year 2008) for administrative support of the Kentucky State Historical Records Advisory Board (SHRAB) and to fund educational workshops for archivists.

The beneficiaries of federal funding are patrons in need of information resources, public and university library staff, and state employees.

VIII. Complaint Procedures

Any person alleging discrimination based on race, color, or national origin has a right to file a complaint within 180 days of the alleged discrimination. All complaints, written or verbal, will be accepted by the staff member to whom the complaint is made and forwarded to the Title VI Coordinator. In the event a complainant refuses or is unable to put their allegations in writing, the staff person will record the complaint and forward to KDLA.

A complaint form is available from KDLA to aid a complainant in documenting and filing an alleged discrimination, but the use of the form is not required for acceptance of said complaint. *See attached complaint form.*

Complaints should contain the following information:

- Name, address, and telephone number of the complainant, if known.
- The location and name of the entity delivering the service.
- The nature of the incident that led the complainant to feel discrimination was a factor.
- The basis of the complaint, i.e. race, color or national origin.
- Names, addresses and telephone numbers of people who may have knowledge of the event.
- The date or dates on which the alleged discriminatory event or events occurred.

Complaints received by Kentucky Department for Libraries and Archives will be handled as follows:

- The Title VI Coordinator will send acknowledgement of the complaint and/or reach the complainant by telephone to discuss the complaint.
- A preliminary inquiry will be conducted by the Title VI Coordinator to substantiate or refute the allegations.
- If the preliminary inquiry indicates that the complaint may be substantiated, the Title VI Coordinator will address and render a determination on the complaint within 90 days of receipt.
- If the allegations are not substantiated, the complainant will be notified and advised how the determination was made.
- If the complainant disagrees with the determination, they may appeal the Coordinator's decision to the State Librarian, who will render a final decision on the substantiation of the complaint.
- If the complainant disagrees with the determination of the State Librarian, the complaint will be forwarded to the Education and Workforce Development Cabinet's General Counsel for further action.
- The Title VI Coordinator will maintain a log of complaints received, which includes the date the complaint was received, a summary of the complaint, the determination of substantiation or non-substantiation and any remedial or corrective action taken.
- Title VI documentation will be retained for a period of five (5) years for each respective complaint.

Withdrawal of a Complaint:

If a complainant withdraws a complaint, the KDLA reserves the right to continue the investigation.

Where to File a Complaint:

Complaint forms are available at KDLA and at any libraries receiving grants or subgrants, and on the KDLA website at <http://www.kdla.ky.gov/information/grants.htm>.

Hearings and Appeals:

In the event that a complainant disagrees with the final determination by the State Librarian, the case will be referred to the Education Cabinet's General Counsel, who will review and continue proceedings.

IX. Compliance / Non-Compliance Reporting

Whenever a compliance review, report, complaint, or any other information indicates non-compliance, the Title VI Coordinator will initiate an investigation. The investigation will include a review of the pertinent practices and policies of the grant fund recipient, the circumstances under which the possible non-compliance occurred, and other factors relevant to determining whether the grantee or subgrantee has failed to comply. If there is no basis for the complaint, the Coordinator will notify the grant recipient in writing. If there is basis for the complaint, the Coordinator will initiate an informal process of compliance negotiation.

The informal process may involve telephone calls and/or field visits. If negotiations continue for more than 60 days without evidence of compliance, KDLA will conduct a formal hearing.

The Office of the Commissioner/State Librarian will provide notice to all parties of the date; time and place the State Librarian will hear the Appeal; the right of parties to be present with counsel; and the right of parties to pursue judicial review of any hearing decision. KDLA will not pursue any action until 30 days after said notification.

X. Agency Training Plan

Annually and prior to the start of the federal grant year (October 1), the Title VI Coordinator and Project Monitors inform grantees and subgrantees of their responsibility to take reasonable steps to ensure that all persons have meaningful access to the programs, services and information the grantees and subgrantees provide. At this time, limited English proficiency (LEP) is covered: addressing who is covered under LEP, basic requirements, and strategies for effective communication.

KDLA federal program staff is provided educational materials regarding the KDLA Title VI program prior to the start of each federal grant year (October 1). Title VI and LEP formal training is provided for all KDLA staff bi-annually. In addition, KDLA employees receive information during new employee orientation regarding their obligations and rights involved in the KDLA Title VI program.

KDLA continues to explore options that will best improve our service to patrons with limited English proficiency in accordance with Executive Order 13166 of August 11, 2000 and utilizing Section V of the June 18, 2002 DOJ LEP Guidance for Recipients, 67 FR at 41459-41460.

XI. Evaluation Procedures of the Title VI Plan

Project Monitors and the Title VI Coordinator ensure that the grant fund recipient is in compliance with Title VI by annually gathering the following types of information:

- The manner in which the services are provided by the program;
- The eligible population to be served;
- Program employment data (if providing employment is a primary objective of the federal assistance);
- The location of existing or proposed facilities connected with the program to determine the effect of unnecessarily denying access to any person;
- Where relocation is involved, the requirements and steps used to guard against unnecessary impact on people on the basis of race, color or national origin;
- The manner in which information is disseminated, resources accessed and programs provided to exclude language barriers for LEP persons;
- The current or proposed membership (by race, color or national origin) in any planning or advisory body that is an integral part of the program.

The grant recipients are subject to on-site visits by Project Monitors and field representatives of KDLA.

XII. Public Notification / Outreach

Kentucky Department for Libraries and Archives (KDLA) and its secondary recipients display Title VI posters (where possible) and other literature stating that its program is in compliance with Title VI. Civil rights requirements are included in all guidelines and Title VI information is available to the public. Published program information includes a statement that KDLA and secondary recipient programs, information resources, and services are available to all without regard to race, color, or national origin.

XIII. Recordkeeping and Reporting

The Kentucky Department for Libraries and Archives (KDLA) will prepare an annual KDLA Title VI Compliance report for submission to the State Auditor's Office. This report will summarize department goals, training, monitoring and evaluation activity, and complaint processing. This report will also include identified needs, areas of improvement, and corrective action.

KDLA will maintain a log and file of all discriminatory complaints received; each instance of probably non-compliance and steps taken to respond to each instance of non-compliance. For 2007, no Title VI complaints were received.

The Title VI Coordinator is the official custodian of all records and reports relating to KDLA's Title VI compliance. KDLA will retain these records for a period of five (5) years, respectively.

XIV. Minority Representation On Planning Board and /or Advisory Body

The State Advisory Council on Libraries:

The State Advisory Council on Libraries is the appointed authority to provide assistance and advice for the LSTA federal program. The council is made up of 22 members (21 are appointed by the Governor; one (1) is the current President of the Kentucky Library Association). As of June 30, 2008, there are two (2) African American members on this board and one (1) disabled non-minority member, representing the blind and disabled. The national origin for all members is the United States. The State Librarian recommends qualified minority individuals for appointment by the Governor as terms expire.

The State Archives and Records Commission:

The State Archives and Records Commission is made up of 17 members. Eight (8) of those members are on the Commission by virtue of their office. They are:

- The State Librarian or his or her designee, who is the Commission chair;
- The Secretary of the Education Cabinet or his or her designee;
- The Auditor of Public Accounts or his or her designee;
- The Chief Justice of the Supreme Court or his or her designee;
- The Director of the Legislative Research Commission or his or her designee;
- The Attorney General or his or her designee;

- The Director of the Office for Policy and Management in the Office of the Controller or his or her designee;
- The Executive Director of the Commonwealth Office of Technology or his or her designee.

Nine (9) members are appointed by the Governor to four (4) year terms. They are:

- One (1) member appointed by the Governor from a list of three (3) persons submitted by the president of the University of Kentucky;
- One (1) member appointed by the Governor from a list of three (3) persons submitted by the president of the Kentucky Historical Society;
- One (1) member appointed by the Governor from a list of three (3) persons submitted by the president of the Kentucky Library Association;
- One (1) member appointed by the Governor from a list of seven (7) persons with one (1) name submitted by each of the presidents of the state universities and colleges;
- Four (4) citizens at large; and
- One (1) member appointed by the Governor from a list of three (3) persons, with one (1) name submitted by each of the presidents of the Kentucky League of Cities, the Kentucky Association of Counties, and the Kentucky Association of School Administrators.

As of June 30, 2008, there is no minority members on this commission. The national origin for all members is the United States. The State Librarian works with appointing officials to recommend qualified minority individuals for appointment as terms expire.

KDLA:

It is the goal of state government and KDLA to achieve a diverse workforce. According to information obtained from the KDLA Personnel Branch Manager, as of June 13, 2008, KDLA's workforce is comprised of 82 white females (95%), 3 African American females (3%), 40 white males (95%) and 2 African American males (5%).

XV. Glossary

<u>Assurance:</u>	A written statement or contractual agreement signed by the agency head in which a recipient agrees to administer Federally assisted programs in accordance with civil rights laws and regulations.
<u>Compliance:</u>	The fulfillment of the requirements of Title VI, other applicable laws, implementing regulations and instructions to the extent that no distinctions are made in the delivery of any service or benefit on the basis of race, color, or national origin, including those persons with limited English proficiency.
<u>Complaint:</u>	A verbal or written allegation of discrimination that indicates that a Federally assisted program is operated in such a manner that it results in disparity of treatment to persons or groups of persons because of race, color, or national origin, including those persons with limited English proficiency.
<u>Discrimination:</u>	To make any distinction between one person or group of persons and others, either intentionally, by neglect, or by the effect of actions or lack of actions based on race, color, or national origin, including those persons with limited English proficiency.
<u>Federal Assistance:</u>	Any Federal funding, property, or aid provided for the purpose of assisting a beneficiary.
<u>Grantee:</u>	Any public or private agency, institution, or organization to whom Federal financial assistance is tended for any program.
<u>Minority:</u>	A person or groups of persons differing from others in some characteristics who may be subjected to differential treatment on the basis of race, color, or national origin.
<u>Noncompliance:</u>	Failure or refusal to comply with Title VI of the Civil Rights Act of 1964, other applicable civil rights laws, and implementing departmental regulations.
<u>Subgrantee:</u>	Any public or private agency, institution or organization to whom Federal financial assistance is tended, through another recipient, for any program.

COMMONWEALTH OF KENTUCKY
KENTUCKY DEPARTMENT FOR LIBRARIES AND ARCHIVES
Institute of Museum and Library Services
Library Services and Technology Act

TITLE VI
ASSURANCE OF COMPLIANCE FOR LIBRARIES

As the duly authorized representative of the _____ (*name of library*) , I hereby certify that (*check only **one** of the following boxes*)

- A. ☐ The library has an Assurance of Compliance plan in which the library agrees to comply with the requirements of Title VI of the Civil Rights Act of 1964 which prohibits discrimination on the basis of race, color or national origin. I have enclosed a copy of that plan.
- B. ☐ The library does not have an Assurance of Compliance plan but certifies that the library will comply with the requirements of Title VI of the Civil Rights Act of 1964 and will submit a plan to the Kentucky Department for Libraries and Archives (KDLA) before the start of Program Year 2009, which begins October 1, 2008.
- C. ☐ The library does not have an Assurance of Compliance plan but certifies that the library will comply with the requirements of Title VI of the Civil Rights Act of 1964 and will adopt the Kentucky Department for Libraries and Archives' Title VI plan. The applicant public library choosing this option will need to submit Appendix A of the Department's plan by the start of Program Year 2009, which begins October 1, 2008.

Signature of Authorized Representative

Printed Name of Authorized Representative

Title of Authorized Representative

Date

COMMONWEALTH OF KENTUCKY
KENTUCKY DEPARTMENT FOR LIBRARIES AND ARCHIVES
TITLE VI COMPLIANCE STATUS

Name of Library: _____

	Yes	No
1. Services from this facility are provided to clients without regard to race, color or national origin.		
2. An employee has been appointed to serve as Title VI Local Coordinator for this agency/facility.		
3. Minorities are represented on the advisory board.		
4. A written procedure exists for hearing and reviewing Title VI complaints.		
5. Records are maintained regarding all alleged cases of discrimination.		
6. Title VI posters (where possible) are prominently displayed and are used to emphasize the Title VI program and complaint opportunities.		
7. New employees are clearly informed of their responsibilities to clients under Title VI.		
8. Contracts between this agency and another party include the formal "Title VI Statement of Compliance" clause.		
9. Other parties which contract with this agency are clearly informed by this agency of their own responsibilities to clients under Title VI standards.		
10. All physical facilities and physical areas are made available to every client without regard to race, color or national origin.		
11. Reasonable steps are taken to ensure limited English proficient persons have meaningful access to information, programs, and services.		

COMMONWEALTH OF KENTUCKY

**KENTUCKY DEPARTMENT FOR LIBRARIES AND ARCHIVES
TITLE VI CHECKLIST &
WRITTEN FINDING OF COMPLIANCE**

Name of Applicant: _____

A. Checklist

	Yes	No
1. Data provided by the applicant sufficient for determining that benefits and services are or will be available without discrimination on the basis of race, color or national origin.		
2. Applicant provided the racial composition of the area served.		
3. Applicant provided the population eligible to be served by race, color or national origin.		
4. Employment data by race provided.		
5. Location of the existing facility or relocation of the program/activity have the effect of or deny access to any person on the basis of race, color or national origin.		
6. Applicant combats discrimination on the grounds of national origin by providing access to resources, programs and services to LEP persons.		
7. Composition of planning or advisory committees reasonably represents program participation by race, color or national origin.		
8. Applicant has been advised to immediately notify KDLA of any complaints or lawsuits filed against the applicant.		
9. Applicant presently has a pending application for federal assistance with other federal agencies.		
10. Civil Rights compliance review conducted at applicant's site by any federal or state agency within the last two years.		
11. Federal or state agency found applicant recipient in noncompliance with any Civil Rights requirement.		

B. Written Finding of Compliance

This is to certify that the application and data submitted by the above applicant was reviewed and the applicant (is) _____ (is not) _____ found in compliance with Title VI.

Project Monitor

Date

Title VI Coordinator

Date

COMMONWEALTH OF KENTUCKY

KENTUCKY DEPARTMENT FOR LIBRARIES AND ARCHIVES
TITLE VI COMPLAINT FORM

Title VI of the 1964 Civil Rights Act states "No person in the United States shall, on the ground of race, color or national origin, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving federal financial assistance."

Please provide the following information necessary in order to process your complaint. Assistance is available upon request. Complete this form and return to:

KDLA, Grants & Contracts Office, Nicole Bryan, Title VI Coordinator, PO Box 537
Frankfort, KY 40602-0537. You can reach the Title VI Coordinator Monday–Friday
from 7:45a - 4:15p at 502-564-8300, ext 304 or nicole.bryan@ky.gov.

Note: To protect your rights, your complaint must be filed within 180 days of the occurrence.
Failure to file within 180 days may result in dismissal of complaint.

1. Complainant's Name _____

2. Address _____

3. City, State and Zip Code _____

4. Telephone Number (home) _____ (business) _____

5. Person discriminated against (if someone other than complainant)

Name _____

Address _____

City, State and Zip Code _____

6. What was the discrimination based on? (check all that apply)

☐ Race/Color

☐ Low Income

☐ Disability

☐ National Origin

☐ Sex

☐ Limited English Proficiency

☐ Religion

7. Date of alleged discrimination: _____

8. Describe the alleged discrimination. Explain what happened and whom you believe was responsible. (for additional space, attach sheets of paper or use back of the form)

9. Have you filed this complaint with any other federal, state or local agency; or with any federal or state court?

☐ Yes ☐ No

If yes, please provide the name of the Agency/Court where you filed your complaint:

Agency/Court _____

Contact Person _____

Address _____

City, State, Zip Code _____

10. Do you need any special accommodations for communication regarding this complaint?
(mark all that apply)

☐ Braille

☐ Large Print

☐ Cassette Tape

☐ Sign Language Interpreter (specify language) _____

☐ Language Interpreter (specify language) _____

11. How can this complaint be resolved (how can the problem be corrected)?

Please sign below. Attach any documents you believe supports your complaint. Include the names, addresses and telephone numbers of witnesses.

Signature

Date

If you wish to file your complaint with a federal agency, please mail your complaint forms to the following address:

US Department of Justice
Civil Rights Division
950 Pennsylvania Avenue, NW
Washington DC 20530

888/848-5306 (toll free voice and TDD)
202/307-2222 (voice)
202/307-2678 (TDD)